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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend title 46, United States Code, to provide for certain protections against sexual harassment and sexual assault, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 46, United States Code, to provide for certain protections against sexual harassment and sexual assault, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safer Seas Act”.

5 **SEC. 2. DEFINITIONS.**

6 (a) IN GENERAL.—Section 2101 of title 46, United
7 States Code, is amended—

1 (1) by redesignating paragraphs (45) through
2 (54) as paragraphs (47) through (56), respectively;
3 and

4 (2) by inserting after paragraph (44) the fol-
5 lowing:

6 “(45) ‘sexual assault’ means any form of abuse
7 or contact as defined in chapter 109A of title 18, or
8 a substantially similar State, local, or Tribal offense.

9 “(46) ‘sexual harassment’ means—

10 “(A) conduct that—

11 “(i) involves unwelcome sexual ad-
12 vances, requests for sexual favors, or delib-
13 erate or repeated offensive comments or
14 gestures of a sexual nature if any—

15 “(I) submission to such conduct
16 is made either explicitly or implicitly a
17 term or condition of employment, pay,
18 career, benefits, or entitlements of the
19 individual;

20 “(II) submission to, or rejection,
21 of such conduct by an individual is
22 used as a basis for decisions affecting
23 that individual’s job, pay, career, ben-
24 efits, or entitlements;

1 “(III) such conduct has the pur-
2 pose or effect of unreasonably inter-
3 fering with an individual’s work per-
4 formance or creates an intimidating,
5 hostile, or offensive work environment;
6 or

7 “(IV) conduct may have been by
8 an individual’s supervisor, a super-
9 visor in another area, a co-worker, or
10 another credentialed mariner; and

11 “(ii) is so severe or pervasive that a
12 reasonable person would perceive, and the
13 victim does perceive, the environment as
14 hostile or offensive;

15 “(B) any use or condonation associated
16 with first-hand or personal knowledge, by any
17 individual in a supervisory or command posi-
18 tion, of any form of sexual behavior to control,
19 influence, or affect the career, pay, benefits, en-
20 titlements, or employment of a subordinate; and

21 “(C) any deliberate or repeated unwelcome
22 verbal comment or gesture of a sexual nature
23 by any fellow employee of the complainant.”.

24 (b) REPORT.—The Commandant of the Coast Guard
25 shall submit to the Committee on Transportation and In-

1 frastructure of the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transportation of the
3 Senate a report describing any changes the Commandant
4 may propose to the definitions added by the amendments
5 in subsection (a).

6 **SEC. 3. CONVICTED SEX OFFENDER AS GROUNDS FOR DE-**
7 **NIAL.**

8 (a) IN GENERAL.—Chapter 75 of title 46, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 7511. Convicted sex offender as grounds for denial**

12 “(a) SEXUAL ABUSE.—A license, certificate of reg-
13 istry, or merchant mariner’s document authorized to be
14 issued under this part shall be denied to an individual who
15 has been convicted of a sexual offense prohibited under
16 chapter 109A of title 18, except for subsection (b) of sec-
17 tion 2244 of title 18, or a substantially similar State, local,
18 or Tribal offense.

19 “(b) ABUSIVE SEXUAL CONTACT.—A license, certifi-
20 cate of registry, or merchant mariner’s document author-
21 ized to be issued under this part may be denied to an indi-
22 vidual who within 5 years before applying for the license,
23 certificate, or document, has been convicted of a sexual
24 offense prohibited under subsection (b) of section 2244 of

1 title 18, or a substantially similar State, local, or Tribal
2 offense.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 75 of title 46, United States Code, is amended by add-
5 ing at the end the following:

“7511. Convicted sex offender as grounds for denial.”.

6 **SEC. 4. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS**
7 **GROUND FOR SUSPENSION OR REVOCATION.**
8

9 (a) IN GENERAL.—Chapter 77 of title 46, United
10 States Code, is amended by inserting after section 7704
11 the following:

12 **“§ 7704a. Sexual harassment or sexual assault as**
13 **grounds for suspension or revocation**

14 “(a) SEXUAL HARASSMENT.—If it is shown at a
15 hearing under this chapter that a holder of a license, cer-
16 tificate of registry, or merchant mariner’s document
17 issued under this part, within 5 years before the beginning
18 of the suspension and revocation proceedings, is the sub-
19 ject of an official finding of sexual harassment, then the
20 license, certificate of registry, or merchant mariner’s docu-
21 ment may be suspended or revoked.

22 “(b) SEXUAL ASSAULT.—If it is shown at a hearing
23 under this chapter that a holder of a license, certificate
24 of registry, or merchant mariner’s document issued under
25 this part, within 10 years before the beginning of the sus-

1 pension and revocation proceedings, is the subject of an
2 official finding of sexual assault, then the license, certifi-
3 cate of registry, or merchant mariner's document shall be
4 revoked.

5 “(c) OFFICIAL FINDING.—

6 “(1) IN GENERAL.—In this section, the term
7 ‘official finding’ means—

8 “(A) a legal proceeding or agency finding
9 or decision that determines the individual com-
10 mitted sexual harassment or sexual assault in
11 violation of any Federal, State, local, or Tribal
12 law or regulation; or

13 “(B) a determination after an investigation
14 by the Coast Guard that it is more likely than
15 not the individual committed sexual harassment
16 or sexual assault if the investigation affords ap-
17 propriate due process rights to the subject of
18 the investigation.

19 “(2) INVESTIGATION BY THE COAST GUARD.—
20 An investigation by the Coast Guard under para-
21 graph (1)(B) shall include, at a minimum, evalua-
22 tion of the following materials that, upon request,
23 shall be provided to the Coast Guard:

24 “(A) Any inquiry or determination made
25 by the employer or former employer of the indi-

1 vidual as to whether the individual committed
2 sexual harassment or sexual assault.

3 “(B) Any investigative materials, docu-
4 ments, records, or files in the possession of an
5 employer or former employer of the individual
6 that are related to the claim of sexual harass-
7 ment or sexual assault by the individual.

8 “(3) ADMINISTRATIVE LAW JUDGE REVIEW.—

9 “(A) COAST GUARD INVESTIGATION.—A
10 determination under paragraph (1)(B) shall be
11 reviewed and affirmed by an administrative law
12 judge within the same proceeding as any sus-
13 pension or revocation of a license, certificate of
14 registry, or merchant mariner’s document under
15 subsection (a) or (b).

16 “(B) LEGAL PROCEEDING.—A determina-
17 tion under paragraph (1)(A) that an individual
18 committed sexual harassment or sexual assault
19 is conclusive in suspension and revocation pro-
20 ceedings.”.

21 (b) CLERICAL AMENDMENT.—The chapter analysis
22 of chapter 77 of title 46, United States Code, is amended
23 by inserting after the item relating to section 7704 the
24 following:

 “7704a. Sexual harassment or sexual assault as grounds for suspension or rev-
 ocation.”.

1 **SEC. 5. ACCOMMODATION; NOTICES.**

2 Section 11101 of title 46, United States Code, is
3 amended—

4 (1) in subsection (a)(3), by striking “and” at
5 the end;

6 (2) in subsection (a)(4), by striking the period
7 at the end and inserting “; and”;

8 (3) in subsection (a), by adding at the end the
9 following:

10 “(5) each crew berthing area shall be equipped
11 with information regarding—

12 “(A) vessel owner or company policies pro-
13 hibiting sexual assault and sexual harassment,
14 retaliation, and drug and alcohol usage; and

15 “(B) procedures and resources to report
16 crimes, including sexual assault and sexual har-
17 assment, including information—

18 “(i) on the contact information,
19 website address, and mobile application to
20 the Coast Guard Investigative Services for
21 reporting of crimes and the Coast Guard
22 National Command Center;

23 “(ii) on vessel owner or company pro-
24 cedures to report violations of company
25 policy and access resources;

1 “(iii) on resources provided by outside
2 organizations such as sexual assault hot-
3 lines and counseling;

4 “(iv) on the retention period for sur-
5 veillance video recording after an incident
6 of sexual harassment or sexual assault is
7 reported; and

8 “(v) additional items specified in reg-
9 ulations issued by, and at the discretion of,
10 the Secretary of the department in which
11 the Coast Guard is operating.”; and

12 (4) in subsection (d), by adding at the end the
13 following: “In each washing space in a visible loca-
14 tion there shall be information regarding procedures
15 and resources to report crimes upon the vessel, in-
16 cluding sexual assault and sexual harassment, and
17 vessel owner or company policies prohibiting sexual
18 assault and sexual harassment, retaliation, and drug
19 and alcohol usage.”.

20 **SEC. 6. PROTECTION AGAINST DISCRIMINATION.**

21 Section 2114(a)(1) of title 46, United States Code,
22 is amended—

23 (1) by redesignating subparagraphs (B)
24 through (G) as subsections (C) through (H), respec-
25 tively; and

1 (2) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) the seaman in good faith has reported or
4 is about to report to the vessel owner, Coast Guard
5 or other appropriate Federal agency or department
6 sexual harassment or sexual assault against the sea-
7 man or knowledge of sexual harassment or sexual
8 assault against another seaman;”.

9 **SEC. 7. ALCOHOL PROHIBITION.**

10 (a) REGULATIONS.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary of
13 the department in which the Coast Guard is oper-
14 ating shall, taking into account the safety and secu-
15 rity of every individual on documented vessels, issue
16 such regulations as are necessary relating to alcohol
17 consumption on documented vessels, according to
18 the following requirements:

19 (A) The Secretary shall determine safe lev-
20 els of alcohol consumption by crewmembers
21 aboard documented vessels engaged in commer-
22 cial service.

23 (B) If the Secretary determines there is no
24 alcohol policy that can be implemented to en-
25 sure a safe environment for crew and pas-

1 sengers, the Secretary shall implement a prohi-
2 bition on possession and consumption of alcohol
3 by crewmembers while aboard a vessel, except
4 when possession is associated with the commer-
5 cial sale or gift to non-crew members aboard
6 the vessel.

7 (2) IMMUNITY FROM CIVIL LIABILITY.—Any
8 crewmember who reports an incident of sexual as-
9 sault or sexual harassment that is directly related to
10 a violation of the regulations issued under paragraph
11 (1) is immune from civil liability for any related vio-
12 lation of such regulations.

13 **SEC. 8. SURVEILLANCE REQUIREMENTS.**

14 (a) IN GENERAL.—Part B of subtitle II of title 46,
15 United States Code, is amended by adding at the end the
16 following:

17 **“CHAPTER 49—OCEANGOING NON-**
18 **PASSENGER COMMERCIAL VESSELS**

 “Sec.
 “4901. Surveillance requirements.

19 **“§ 4901. Surveillance requirements**

20 “(a) IN GENERAL.—A vessel engaged in commercial
21 service that does not carry passengers, shall maintain a
22 video surveillance system.

23 “(b) APPLICABILITY.—The requirements in this sec-
24 tion shall apply to—

1 “(1) documented vessels with overnight accom-
2 modations for at least 10 persons on board—

3 “(A) is on a voyage of at least 600 miles
4 and crosses seaward of the Boundary Line; or

5 “(B) is at least 24 meters (79 feet) in
6 overall length and required to have a load line
7 under chapter 51;

8 “(2) documented vessels of at least 500 gross
9 tons as measured under section 14502, or an alter-
10 nate tonnage measured under section 14302 as pre-
11 scribed by the Secretary under section 14104 on an
12 international voyage; and

13 “(3) vessels with overnight accommodations for
14 at least 10 persons on board that are operating for
15 no less than 72 hours on waters superjacent to the
16 Outer Continental Shelf.

17 “(c) PLACEMENT OF VIDEO AND AUDIO SURVEIL-
18 LANCE EQUIPMENT.—

19 “(1) IN GENERAL.—The owner of a vessel to
20 which this section applies shall install video and
21 audio surveillance equipment aboard the vessel not
22 later than 2 years after enactment of the Safer Seas
23 Act, or during the next scheduled drydock, which-
24 ever is later.

1 “(2) LOCATIONS.—Video and audio surveillance
2 equipment shall be placed in passageways on to
3 which doors from staterooms open. Such equipment
4 shall be placed in a manner ensuring the visibility of
5 every door in each such passageway.

6 “(d) NOTICE OF VIDEO AND AUDIO SURVEIL-
7 LANCE.—The owner of a vessel to which this section ap-
8 plies shall provide clear and conspicuous signs on board
9 the vessel notifying the crew of the presence of video and
10 audio surveillance equipment.

11 “(e) ACCESS TO VIDEO AND AUDIO RECORDS.—

12 “(1) IN GENERAL.—The owner of a vessel to
13 which this section applies shall provide to any Fed-
14 eral, state, or other law enforcement official per-
15 forming official duties in the course and scope of a
16 criminal or marine safety investigation, upon re-
17 quest, a copy of all records of video and audio sur-
18 veillance that the official believes is relevant to the
19 investigation.

20 “(2) CIVIL ACTIONS.—Except as proscribed by
21 law enforcement authorities or court order, the
22 owner of a vessel to which this section applies shall,
23 upon written request, provide to any individual or
24 the individual’s legal representative a copy of all
25 records of video and audio surveillance—

1 “(A) in which the individual is a subject of
2 the video and audio surveillance;

3 “(B) the request is in conjunction with a
4 legal proceeding or investigation; and

5 “(C) that may provide evidence of any sex-
6 ual harassment or sexual assault incident in a
7 civil action.

8 “(3) LIMITED ACCESS.—The owner of a vessel
9 to which this section applies shall ensure that access
10 to records of video and audio surveillance is limited
11 to the purposes described in this paragraph and not
12 used as part of a labor action against a crew mem-
13 ber or employment dispute unless used in a criminal
14 or civil action.

15 “(f) RETENTION REQUIREMENTS.—The owner of a
16 vessel to which this section applies shall retain all records
17 of audio and video surveillance for not less than 150 days
18 after the footage is obtained. Any video and audio surveil-
19 lance found to be associated with an alleged incident
20 should be preserved for not less than 4 years from the
21 date of the alleged incident. The Federal Bureau of Inves-
22 tigation and the Coast Guard are authorized access to all
23 records of video and audio surveillance relevant to an in-
24 vestigation into criminal conduct.

1 “(g) DEFINITION.—In this section, the term ‘owner’
2 means the owner, charterer, managing operator, master,
3 or other individual in charge of a vessel.

4 “(h) EXEMPTION.—Fishing vessels, fish processing
5 vessels, and fish tender vessels are exempt from this sec-
6 tion.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters
8 for subtitle II of title 46, United States Code, is amended
9 by adding after the item related to chapter 47 the fol-
10 lowing:

“49. **Oceangoing non-passenger commercial vessels** **4901**”.

11 **SEC. 9. MASTER KEY CONTROL.**

12 (a) IN GENERAL.—Chapter 31 of title 46, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 3106. Master key control system**

16 “(a) IN GENERAL.—The owner of a vessel subject to
17 inspection under section 3301 shall—

18 “(1) ensure that such vessel is equipped with a
19 vessel master key control system, manual or elec-
20 tronic, which provides controlled access to all copies
21 of the vessel’s master key of which access shall only
22 be available to the individuals described in para-
23 graph (2);

24 “(2) establish a list of all crew, identified by po-
25 sition, allowed to access and use the master key and

1 maintain such list upon the vessel, within owner
2 records and included in the vessel safety manage-
3 ment system.

4 “(3) record in a log book, located in a central-
5 ized location that is readily accessible to law enforce-
6 ment personnel, information on all access and use of
7 the vessel’s master key; and

8 “(4) make the list under paragraph (2) and the
9 log book under paragraph (3) available upon request
10 to any agent of the Federal Bureau of Investigation,
11 any member of the Coast Guard, and any law en-
12 forcement officer performing official duties in the
13 course and scope of an investigation.

14 “(b) PROHIBITED USE.—Crew not included on the
15 list described in subsection (a)(2) shall not have access
16 to or use the master key unless in an emergency and shall
17 immediately notify the master and owner of the vessel fol-
18 lowing use of such key.

19 “(c) REQUIREMENTS FOR LOG BOOK.—The log book
20 described in subsection (a)(3)—

21 “(1) may be—

22 “(A) electronic;

23 “(B) included in the vessel safety manage-
24 ment system; and

25 “(2) shall include—

1 “(A) dates and times of access;
2 “(B) the room or location accessed; and
3 “(C) the name and rank of the crew mem-
4 ber that used the master key.

5 “(d) PENALTY.—Any crew member who uses the
6 master key without having been granted access pursuant
7 to subsection (a)(2) shall be liable to the United States
8 Government for a civil penalty of not more than \$1,000
9 and may be subject to suspension or revocation under sec-
10 tion 7703.

11 “(e) EXEMPTION.—This section shall not apply to
12 vessels subject to section 3507(f).”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 31 of title 46, United States Code, is amended by add-
15 ing at the end the following:

“3106. Master key control system.”.

16 **SEC. 10. SAFETY MANAGEMENT SYSTEMS.**

17 Section 3203 of title 46, United States Code, is
18 amended—

19 (1) in subsection (a)—
20 (A) by redesignating paragraphs (5) and
21 (6) as paragraphs (7) and (8); and
22 (B) by inserting after paragraph (4) the
23 following:

1 “(5) with respect to sexual harassment and sexual
2 assault, procedures for, and annual training re-
3 quirements for all shipboard personnel on—

4 “(A) prevention;

5 “(B) bystander intervention;

6 “(C) reporting;

7 “(D) response; and

8 “(E) investigation;

9 “(6) the log book required under section
10 3106;”;

11 (2) by redesignating subsections (b) and (c) as
12 subsections (c) and (d), respectively; and

13 (3) by inserting after subsection (a) the fol-
14 lowing:

15 “(b) PROCEDURES AND TRAINING REQUIRE-
16 MENTS.—In prescribing regulations for the procedures
17 and training requirements described in subsection (a)(5),
18 such procedures and requirements shall be consistent with
19 the requirements to report sexual harassment or sexual
20 assault under section 10104.”.

21 **SEC. 11. REQUIREMENT TO REPORT SEXUAL ASSAULT AND**
22 **HARASSMENT.**

23 Section 10104 of title 46, United States Code is
24 amended by striking paragraphs (a) and (b) and inserting
25 the following:

1 “(a) MANDATORY REPORTING BY CREW MEMBER.—

2 “(1) IN GENERAL.—A crew member of a docu-
3 mented vessel shall report to the Secretary any com-
4 plaint or incident of sexual harassment or sexual as-
5 sault of which the crewmember has first-hand or
6 personal knowledge.

7 “(2) PENALTY.—A crew member with first-
8 hand or personal knowledge of a sexual assault or
9 sexual harassment incident on a documented vessel
10 who knowingly fails to report in compliance with
11 paragraph (a)(1) is liable to the United States Gov-
12 ernment for a civil penalty of not more than \$5,000.

13 “(3) AMNESTY.—A crew member who fails to
14 make the required reporting in paragraph (a)(1)
15 shall not be subject to the penalty described in para-
16 graph (a)(2) if the complaint is shared in confidence
17 with the crew member directly from the assaulted in-
18 dividual or the crew member is a victim advocate as
19 defined in section 12291 of title 34, United States
20 Code.

21 “(b) MANDATORY REPORTING BY VESSEL OWNER.—

22 “(1) IN GENERAL.—A vessel owner or man-
23 aging operator of a documented vessel or the em-
24 ployer of a seafarer on that vessel shall report to the
25 Secretary any complaint or incident of harassment,

1 sexual harassment, or sexual assault in violation of
2 employer policy or law, of which such vessel owner
3 or managing operator of a vessel engaged in com-
4 mercial service, or the employer of the seafarer is
5 made aware. Such reporting shall include results of
6 any investigation into the incident, if applicable, and
7 any action taken against the offending crewmember.

8 “(2) PENALTY.—A vessel owner or managing
9 operator of a vessel engaged in commercial service,
10 or the employer of a seafarer on that vessel who
11 knowingly fails to report in compliance with para-
12 graph (b)(1) is liable to the United States Govern-
13 ment for a civil penalty of not more than \$25,000.

14 “(c) REPORTING PROCEDURES.—

15 “(1) A report required by subsection (a) shall
16 be made as soon as practicable, but no later than 10
17 days after the individual develops first-hand or per-
18 sonal knowledge of the sexual assault or sexual har-
19 assment incident to the Coast Guard National Com-
20 mand Center by the fastest telecommunication chan-
21 nel available.

22 “(2) A report required under subsection (b)
23 shall be made immediately after the vessel owner,
24 managing operator, or employer of the seafarer
25 gains knowledge of a sexual assault or sexual har-

1 assessment incident by the fastest telecommunication
2 channel available, and such report shall be made to
3 the Coast Guard National Command Center—

4 “(A) the nearest Coast Guard Captain of
5 the Port; or

6 “(B) the appropriate officer or agency of
7 the government of the country in whose waters
8 the incident occurs.

9 “(3) A report in subsections (a) and (b) shall
10 include, to the best of the reporter’s knowledge—

11 “(A) the name, official position or role in
12 relation to the vessel, and contact information
13 of the individual making the report;

14 “(B) the name and official number of the
15 documented vessel;

16 “(C) the time and date of the incident;

17 “(D) the geographic position or location of
18 the vessel when the incident occurred; and

19 “(E) a brief description of the alleged sex-
20 ual harassment or sexual assault being re-
21 ported.

22 “(4) After receipt of the report made under this
23 subsection, the Coast Guard will collect information
24 related to the identity of each alleged victim, alleged
25 perpetrator, and witness through means designed to

1 protect, to the extent practicable, the personal iden-
2 tifiable information of such individuals.

3 “(d) REGULATIONS.—The requirements of this sec-
4 tion are effective as of the date of enactment of Safer Seas
5 Act. The Secretary may issue additional regulations to im-
6 plement the requirements of this section.”.

7 **SEC. 12. CIVIL ACTIONS FOR PERSONAL INJURY OR DEATH**
8 **OF SEAMEN.**

9 (a) PERSONAL INJURY TO OR DEATH OF SEAMEN.—
10 Section 30104 of title 46, United States Code, is amended
11 by inserting “, including an injury resulting from sexual
12 assault or sexual harassment,” after “in the course of em-
13 ployment”.

14 (b) TIME LIMIT ON BRINGING MARITIME ACTION.—
15 Section 30106 of title 46, United States Code, is amend-
16 ed—

17 (1) in the section heading by striking “**for**
18 **personal injury or death**”;

19 (2) by striking “Except as otherwise” and in-
20 serting the following:

21 “(a) IN GENERAL.—Except as otherwise”; and

22 (3) by adding at the end the following:

23 “(b) EXTENSION FOR SEXUAL OFFENSE.—A civil ac-
24 tion under subsection (a) arising out of a maritime tort
25 for a claim of sexual harassment or sexual assault shall

1 be brought not less than 5 years after the cause of action
2 for a claim of sexual harassment or sexual assault arose.”.

3 (c) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 301 of title 46, United States Code, is amended by
5 striking the item related to section 30106 and inserting
6 the following:

“30106. Time limit on bringing maritime action.”.

7 **SEC. 13. EXEMPTION FROM REQUIREMENT TO OBTAIN**
8 **MARINER LICENSE.**

9 Section 51309 of title 46, United States Code, is
10 amended by adding at the end the following:

11 “(d) EXEMPTION FROM REQUIREMENT TO OBTAIN
12 LICENSE.—The Secretary may modify or waive the re-
13 quirements of section 51306(a)(2) for students who pro-
14 vide reasonable concerns with obtaining a merchant mar-
15 iner license, including fear for safety while at sea after
16 instances of trauma, medical condition, or inability to ob-
17 tain required sea time or endorsement so long as such in-
18 ability is not due to a lack of proficiency or violation of
19 Academy policy. The issuance of a modification or waiver
20 under this subsection shall not delay or impede graduation
21 from the Academy.”.

22 **SEC. 14. PROTECTION OF CADETS FROM SEXUAL ASSAULT**
23 **ONBOARD VESSELS.**

24 (a) IN GENERAL.—Section 51322 of title 46, United
25 States Code, is amended—

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) SAFETY CRITERIA.—The Maritime Adminis-
4 trator, after consulting with the United States Coast
5 Guard, shall establish—

6 “(1) criteria, to which an owner or operator of
7 a vessel engaged in commercial service shall adhere
8 prior to carrying a cadet performing their Sea Year
9 service from the United States Merchant Marine
10 Academy that addresses prevention of, and response
11 to, sexual harassment, dating violence, domestic vio-
12 lence, sexual assault, and stalking; and

13 “(2) a process for collecting pertinent informa-
14 tion from such owners or operators and verifying
15 their compliance with the criteria.

16 “(b) MINIMUM STANDARDS.—At a minimum, the cri-
17 teria established under subsection (a) shall require the
18 vessel owners or operators to have policies that address—

19 “(1) communication between a cadet and an in-
20 dividual ashore who is trained in responding to inci-
21 dents of sexual harassment, dating violence, domes-
22 tic violence, sexual assault, and stalking;

23 “(2) the safety and security of cadet staterooms
24 while a cadet is onboard the vessel, including the in-
25 stallation of functional door locks and policies pro-

1 hibiting shipboard personnel from entering cadet
2 staterooms;

3 “(3) requirements for crew to report complaints
4 or incidents of sexual assault, sexual harassment,
5 dating violence, domestic violence, and stalking con-
6 sistent with the requirements in section 10104;

7 “(4) the maintenance of records of reports of
8 sexual harassment, dating violence, domestic vio-
9 lence, sexual assault, and stalking onboard a vessel
10 carrying a cadet;

11 “(5) the maintenance of records of sexual har-
12 assment, dating violence, domestic violence, sexual
13 assault, and stalking training as required under sub-
14 section (f);

15 “(6) a requirement for the owner or operator
16 provide each cadet a copy of the policies and proce-
17 dures related to sexual harassment, dating violence,
18 domestic violence, sexual assault, and stalking poli-
19 cies that pertain to the vessel on which they will be
20 employed; and

21 “(7) any other issues the Maritime Adminis-
22 trator determines necessary to ensure the safety of
23 cadets during Sea Year training.

24 “(c) SELF-CERTIFICATION BY OWNERS OR OPERA-
25 TORS.—The Maritime Administrator shall require the

1 owner or operator of any commercial vessel that is car-
2 rying a cadet from the United States Merchant Marine
3 Academy to annually certify that—

4 “(1) the vessel owner or operator is in compli-
5 ance with the criteria established under subsection
6 (a); and

7 “(2) the vessel is in compliance with the Inter-
8 national Convention of Safety of Life at Sea, 1974
9 (32 UST 47) and sections 8106 and 70103(c).

10 “(d) INFORMATION, TRAINING, AND RESOURCES.—
11 The Maritime Administrator shall ensure that a cadet par-
12 ticipating in Sea Year—

13 “(1) receives training specific to vessel safety,
14 including sexual harassment, dating violence, domes-
15 tic violence, sexual assault, and stalking prevention
16 and response training, prior to the cadet boarding a
17 vessel for Sea Year training;

18 “(2) is equipped with a satellite communication
19 device and has been trained on its use;

20 “(3) has access to a helpline to report incidents
21 of sexual harassment, dating violence, domestic vio-
22 lence, sexual assault, or stalking that is monitored
23 by trained personnel; and

24 “(4) is informed of the legal requirements for
25 vessel owners and operators to provide for the secu-

1 rity of individuals onboard, including requirements
2 under section 70103(c) and chapter 81.”;

3 (2) by redesignating subsections (b) through (d)
4 as subsections (e) through (g), respectively;

5 (3) in subsection (e), by striking paragraph (2)
6 and inserting the following:

7 “(2) ACCESS TO INFORMATION.—The vessel op-
8 erator shall make available to staff conducting a ves-
9 sel check such information as the Maritime Adminis-
10 trator determines is necessary to determine whether
11 the vessel is being operated in compliance with safe-
12 ty criteria developed pursuant to subsection (a).

13 “(3) REMOVAL OF STUDENTS.—If staff of the
14 Academy or staff of the Maritime Administration de-
15 termine that a commercial vessel is not in compli-
16 ance with the criteria established under subsection
17 (a), the staff—

18 “(A) may remove a cadet of the Academy
19 from the vessel; and

20 “(B) shall report such determination of
21 non-compliance to the owner or operator of the
22 vessel.”;

23 (4) in subsection (f), as so redesignated, by
24 striking “or the seafarer union” and inserting “and
25 the seafarer union”; and

1 (5) by adding at the end the following:

2 “(h) NONCOMMERCIAL VESSELS.—

3 “(1) IN GENERAL.—A public vessel (as defined
4 in section 2101) shall not be subject to the require-
5 ments of this section.

6 “(2) REQUIREMENTS FOR PARTICIPATION.—

7 The Maritime Administrator may establish criteria
8 and requirements that the operators of public vessels
9 shall meet to participate in the Sea Year program of
10 the United States Merchant Marine Academy that
11 addresses prevention of, and response to, sexual har-
12 assment, dating violence, domestic violence, sexual
13 assault, and stalking.”.

14 (b) REGULATIONS.—

15 (1) IN GENERAL.—The Maritime Administrator
16 may prescribe rules as necessary to carry out the
17 amendments made by this section.

18 (2) INTERIM RULES.—The Maritime Adminis-
19 trator may prescribe interim rules necessary to carry
20 out the amendments made by this section. For this
21 purpose, the Maritime Administrator in prescribing
22 rules under paragraph (1) is excepted from compli-
23 ance with the notice and comment requirements of
24 section 553 of title 5, United States Code. All rules
25 prescribed under the authority of the amendments

1 made by this section shall remain in effect until su-
2 perseded by a final rule.

3 (c) CONFORMING AMENDMENTS.—

4 (1) SEA YEAR COMPLIANCE.—Section 3514 of
5 the National Defense Authorization Act for Fiscal
6 Year 2017 (46 U.S.C. 51318 note) is repealed.

7 (2) ACCESS OF ACADEMY CADETS TO DOD SAFE
8 OR EQUIVALENT HELPLINE.—Section 3515 of the
9 National Defense Authorization Act for Fiscal Year
10 2018 (46 U.S.C. 51518 note) is amended by striking
11 subsection (b) and redesignating subsection (c) as
12 subsection (b).